

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13150 of 2005

Between:

Y. Krishnaveni, W/o. Hanumareddy,
R/o. Wyra (V & M), Khammam District.

..... PETITIONER

AND

- 1 District Collector, Khammam District, Khammam.
- 2 Mandal Revenue Officer, Wyra (M), Khammam District.
- 3 Additional Assistant Engineer, Public Works Dept. (IB), Wyra, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not conducting enquiry and not passing final order on the objections filed by the petitioner pursuant to notice in Rc NO. B/1199/2005, dt. 9-6-2005 issued by the 2nd respondent, is illegal, irregular, arbitrary and contrary to the provisions of AP Land Encroachment Act, 1905 and the rules framed there under and offends Art. 14, 19, 21 & 300-A of the Constitution of India and consequently direct the respondents not to demolish or dispossess his house and site property bearing H.N. 5-216 situated of Somavaram, Wyra Gram Panchayat pursuant to said notice.

Counsel for the Petitioner:MR.J.S.RAJU

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

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This writ petition is filed by the petitioner for declaring the action of respondents in not conducting any enquiry and passing final order on the objections filed by the petitioner pursuant to the notice issued in Rc.No.B/1199/2005, dated 09.06.2005 by

2nd respondent, as illegal, arbitrary and contrary to the provisions of the Andhra Pradesh Land Encroachment Act, 1905 and the Rules framed there under and offends Articles 14,19,21 and 300-A of the Constitution of India and for a consequential direction to the respondents not to demolish or dispossess him from the house bearing H.No.5.216 of Somavaram-Wyra Gram Panchayat.

The learned counsel for the petitioner submits that in spite of the explanation submitted by the petitioner, dated 14.06.2005, before 2nd respondent-Mandal Revenue Officer, Wyra, the same was rejected by him. As the respondent authorities did not take any action to grant regular patta to the petitioner and are trying to demolish the property, this writ petition is filed.

It is seen from the record that for the notice issued by the respondent authorities, dated 09.06.2005, the petitioner submitted his explanation on 14.06.2005 and without giving any breathing time to the Mandal Revenue Officer, Wyra, the petitioner straight away approached this court stating that the respondent authorities are going to demolish his house.

In view of the facts and circumstances of the case, the Mandal Revenue Officer, Wyra Mandal, Khammam District, is directed to consider the explanation submitted by the petitioner, dated 14.06.2005 in response to the notice, dated 09.06.2005 and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving an opportunity to the petitioner. However, the respondents are directed not to demolish the property of the petitioner.

The writ petition is accordingly disposed of at the admission stage.

E.DHARMA RAO J.,

Dt.20.06.2005

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To

- 1 District Collector, Khammam District, Khammam.
- 2 Mandal Revenue Officer, Wyra (M), Khammam District.
- 3 Additional Assistant Engineer, Public Works Dept. (IB), Wyra, Khammam District.
- 4) 2 C.Cs to the G.P. for Revenue, High Court of A.P., Hyderabad (OUT)
- 5) 2 C.D.Copies.